

Notice of Allowability

Application No.

10/697,894

Examiner

Elizabeth Slobodyansky, PhD

Applicant(s)

BEAVO ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment 02 November 2005.
2. ☒ The allowed claim(s) is/are 39-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

The amendment filed November 2, 2005 amending the specification to insert the heading and the sequence identifiers and amending claims 41 and 42 has been entered.

Claims 39-42 are pending.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

It is agreed that "a key element of phosphodiesterase biology that was known in the art when the application was filed, namely that each class of phosphodiesterase (PDE) actually includes several different isoforms, typically having a distinct protein sequence, molecular weight and physiochemical properties" (Applicants' Remarks, page 5). Different isoforms can be present in the same or different tissues of the same species. For example, Sonneburg et al. (September 15, 1991) J. Biol. Chem., vol. 266 (26), pages 17655-17661, teach cGMP stimulated cyclic nucleotide phosphodiesterase from bovine adrenal cortex having the amino acid sequence that is 100% identical to SEQ ID NO:39. Sonnenburg et al teach that "The 921-residue polypeptide predicted from the cDNA sequence is nearly identical with the amino acid sequence of the bovine heart CGS PDE (10) except for two amino acids. The differences lie at residue numbers 204 where an aspartate replaces an asparagine and 478, where a glutamine replaces an arginine" (page 17660, 1st column). The article referred to in "(10)" above is LeTrong et al (1990) Biochemistry, Vol. 29, 10280-10288, that discloses the amino acid

sequence of the bovine heart CGS PDE. It is noted that the Sonnenburg et al reference was published after the effective filing date for SEQ ID NO:39.

Claims 39-42 are drawn to the cGMP stimulated cyclic nucleotide phosphodiesterases having specific amino acid sequences. Said sequences have not been known in the prior art and would not have been predictable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Slobodyansky, PhD whose telephone number is 571-272-0941. The examiner can normally be reached on M-F 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, PhD can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth Slobodyansky, PhD
Primary Examiner
Art Unit 1652